

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JACOB S. KINNEY : CIVIL ACTION
v. :
COUNTY OF BERKS, *et al.* : NO. 22-2566
: :

ORDER

AND NOW, this 21st day of January 2025, upon considering defendants' motions for summary judgment (DI 58; DI 59), plaintiff's responses (DI 69; DI 70), defendants' replies (DI 75; DI 78), the parties supplemental briefing (DI 85; DI 86; DI 87; DI 88), and following oral argument on September 12, 2024, it is **ORDERED** that the motions for summary judgment (DI 58; DI 59) are granted in part and denied in part, as described below.

- Berks County defendants' motion (DI 58) is granted on Count I (Inadequate Medical Care) as to Officer Delp, Officer Vollmer, and Officer Weidner; Count IV (Failure to Intervene); and Count V (IIED);
- PrimeCare defendants' motion (DI 59) is granted on Count I (Inadequate Medical Care) as to Corinne Berger and Darrah Harley-Apgar; Count IV (Failure to Intervene); and Count V (IIED).

AND upon considering plaintiff's statements regarding abandoned claims (DI 69 at 6-7; DI 70 at 6-7), it is further **ORDERED** that all claims against Deputy Warden Stephanie Smith, Brenna Delp (improperly pled as Correctional Officer B.Dub), and Correctional Officers Stones, Mercado, Feryo, Reichert, and Ruffner are dismissed with prejudice.



MURPHY, J.